

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

OHIO CASUALTY INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) Civil Action No. 3:06-cv-977-MEF
)
MANIFOLD CONSTRUCTION, LLC, et al.,)
)
Defendants.)

MOTION TO CONTINUE THE TIME FOR FILING OF THE
REPORT OF PARTIES' PLANNING MEETING

COME NOW the Defendants, Whittelsey Properties, Inc., C.S. Whittelsey, III, and C.S. Whittelsey, IV (collectively referred to herein sometimes as "Whittelsey"), and move this Honorable Court to continue the time for filing of the report of the parties' planning meeting pursuant to Fed. R. Civ. P. 26(f), and as grounds therefore, states as follows:

1. On the 31st day of October, 2006, Plaintiff, Ohio Casualty Insurance Company (hereinafter "Ohio Casualty"), filed its complaint for declaratory judgment to determine the rights and obligations of Ohio Casualty under a policy of insurance it issued to Manifold Construction, LLC and Jack Manifold, co-defendants in the present case.
2. On the 4th day of December, 2006, Whittelsey, by and through their attorneys, accepted service of Ohio Casualty's complaint.
3. On the 4th day of December, 2006, Whittelsey filed their motion to dismiss Ohio Casualty's complaint with a brief in support of said motion.
4. On the 8th day of December, 2006, this Honorable Court ordered Ohio Casualty to respond to Whittelsey's motion on or before December 20, 2006, and allowed Whittelsey to file a reply brief to said response on or before December 29, 2006.

5. On the 20th day of December, 2006, Ohio Casualty filed its response to Whittelsey's motion.

6. On the 28th day of December, 2006, Whittelsey filed their reply brief to the response filed by Ohio Casualty.

7. Pursuant to Fed. R. Civ. P. 26(f) the parties are to conduct a planning meeting as soon as practicable or, at the latest, by February 13, 2007.

8. The parties had scheduled a planning meeting for January 23, 2007; however, Whittelsey, after giving notice to Ohio Casualty, canceled said meeting as such a meeting would not be productive as motions to dismiss are pending this Honorable Court's ruling.

9. Whittelsey has filed herewith a brief in support of this motion.

WHEREFORE, THE PREMISES CONSIDERED, Defendants pray this Honorable Court will continue the time for filing of the report of the parties' planning meeting pursuant to Fed. R. Civ. P. 26(f) until after this Honorable Court has ruled on the pending motions to dismiss.

Respectfully submitted this the 23rd day of January, 2007.

WHITTELSEY, WHITTELSEY & POOLE, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document on the parties listed below electronically or by placing a copy of the same in the United States mail, postage prepaid, to their correct address on this the 23rd day of January, 2007.

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